

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
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Paper 110  
Filed July 17, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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GUO-LIANG YU, BERKELEY, REINHARD EBNER,  
AND JIAN NI  
Junior Party  
(U.S. Application No. 09/589,288),

v.

JEFFREY BROWNING, CHRISTINE AMBROSE,  
FABIENNE MACKAY, JURG TSCHOPP, AND PASCAL SCHNEIDER,  
Senior Party  
(U.S. Patent No. 6,869,605).

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Patent Interference No. 105,485 (MPT)  
(Technology Center 1600)

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Before SALLY C. MEDLEY, MICHAEL P. TIERNEY, and JAMES T.  
MOORE, Administrative Patent Judges.  
TIERNEY, Administrative Patent Judge.

Judgment – Bd.R. 127

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Junior Party Browning has conceded the contest. (Paper 108).

Concession of priority of invention is construed as a request for adverse

1 judgment. 37 C.F.R. 41.127(b)(3). Judgment on priority of invention for  
2 the subject matter of Count 1, the sole count in interference, is awarded  
3 against Browning.

4  
5 It is:

6 Ordered that judgment be entered against Browning for Count  
7 1, the sole count in interference (Paper 1, p. 4).

8 Further Ordered that claims 1-14 of Browning's involved  
9 patent, U.S. Patent 6,869,605, are CANCELLED, 35 U.S.C. §135(a).

10 Further Ordered that a copy of this judgment be entered in the  
11 administrative records of the involved Browning, U.S. Patent 6,869,605 and  
12 Yu, U.S. Application 09/589,288.

1 cc (via electronic filing):

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4 Counsel for YU:

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7 Sharon E. Crane, PhD., Esq.

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Patent Interference No. 105,485 (MPT)  
(Technology Center 1600)

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MICHAEL P. TIERNEY, *Administrative Patent Judge.*

Decision on Motions – Bd. R. 125(a)

On July 16, 2008, Junior Party Browning conceded the contest.  
(Paper 108). Concession of priority of invention is construed as a request  
for adverse judgment. 37 C.F.R. 41.127(b)(3).

Prior to Browning's request for adverse judgment, the parties filed

1 several priority and patentability motions, but filed no oppositions or  
2 evidence. These motions are dismissed as moot in light of Browning's  
3 request for adverse judgment.

4 It is:

5 Ordered that Yu Substantive Motions 4 and 5 and Browning  
6 Substantive Motions 8 and 9, are *dismissed* as moot.

7  
8 cc (via electronic filing):  
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11 Counsel for YU:

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